

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

IN RE K-V PHARMACEUTICAL )  
COMPANY DERIVATIVE LITIGATION )

Case No. 4:07-cv-00384-HEA

This Document Relates to: )

**STIPULATION AND  
[PROPOSED] ORDER  
STAYING LITIGATION  
TO PERMIT MEDIATION**

ALL ACTIONS. )

WHEREAS, motions are currently pending, including Nominal Defendant KV Pharmaceutical Company's Motion to Terminate Derivative Litigation Pursuant to Special Committee Recommendation, which are expected to require costly and time-consuming discovery; and

WHEREAS, the parties have cooperated previously in informal exchanges of information and participated in settlement discussions, which were unable to resolve the matter but established numerous points of potential agreement; and

WHEREAS, Plaintiffs and the undersigned Defendants agree that there is a reasonable likelihood that mediation before a nationally recognized mediator could assist them in resolving this matter; and

WHEREAS, the parties have agreed on the selection of Nicholas J. Politan, a retired U.S. District Court Judge (D.N.J.), as mediator, and Judge Politan has agreed to serve in that capacity but is unable to meet with the parties before either March 31, 2008 or April 2, 2008 on his current calendar.

NOW THEREFORE, the undersigned parties stipulate and ask the Court to enter the proposed order staying further proceedings in this matter until April 9, 2008, one

week after the later of the two potential mediation dates; the parties will request that Judge Politan report directly to the Court as to the status of mediation and whether delay of proceedings past April 9, 2008, appears justified.

The parties certify and assure the Court that this proposed stay of proceedings is not intended to unduly delay the orderly conduct of this litigation, but is based on the judgment by the undersigned counsel that mediation has a serious prospect of success and expenditure of significant sums in discovery and other proceedings before the scheduled mediation would not be constructive.

Dated: February 14, 2008

Respectfully submitted,

DANNA MCKITRICK, P.C.

/s/ Jeffrey R. Schmitt

Jeffrey R. Schmitt, # 498759

James M. Heffner, # 518157

150 N. Meramec Ave., 4th Floor

St. Louis, MO 63105

Telephone: (314) 889-7189

Facsimile: (314) 725-6592

*Attorneys for Plaintiffs*

SCHIFFRIN BARROWAY

TOPAZ & KESSLER, LLP

Eric L. Zagar

Michael C. Wagner

J. Daniel Albert

280 King of Prussia Road

Radnor, PA 19087

Telephone: (610) 667-7706

Facsimile: (610) 667-7056

*Lead Counsel for Plaintiffs*

BRYAN CAVE LLP

**/s/ John Michael Clear**

John Michael Clear, # 2828  
Ellen E. Bonacorsi, # 2667  
James R. Wyrsh, # 530429  
One Metropolitan Square  
211 North Broadway, Suite 3600  
St. Louis, MO 63102-2750  
Telephone: (314) 259-2000  
Facsimile: (314) 259-2020

*Attorneys for Defendants Marc S. Hermelin,  
Norman D. Schellenger, Gerald R. Mitchell,  
Kevin S. Carlie, Raymond F. Chiostrì, David  
S. Hermelin, Michael S. Anderson, Richard  
H. Chibnall, Philip J. Vogt, Eric D.  
Moyerman, Paul T. Brady, Garnet E. Peck,  
Ph.D., Jean M. Bellin, David A. Van Vliet,  
John P. Isakson, and KV Pharmaceutical  
Company*

SPENCER FANE BRITT  
& BROWNE LLP

**/s/ Gerald P. Greiman**

Gerald P. Greiman, # 3276  
Anne M. Lindner, # 5533403  
1 North Brentwood Boulevard, Suite 1000  
St. Louis, MO 63105-3925  
Telephone: (314) 863-7733  
Facsimile: (314) 862-4656  
*Attorneys for Defendant Mitchell I.  
Kirschner*

SUMMERS, COMPTON, WELLS &  
HAMBURG, P.C.

**/s/ Jill R. Rembusch**

Jill R. Rembusch  
8909 Ladue Road  
St. Louis, Missouri 63124  
Telephone: (314) 991-4999  
Facsimile: (314) 991-2413  
*Attorneys for Defendant Terry B. Hatfield*

ROSENBLUM, GOLDENHERSH,  
SILVERSTEIN & ZAFFI, P.C.

**/s/ Richard S. Bender**


Richard S. Bender, # 2614  
David G. Bender, # 119824  
7733 Forsyth Blvd., 4<sup>th</sup> Floor  
St. Louis, Missouri 63105  
Telephone: (314) 726-6868  
Facsimile: (314) 726-6786  
*Attorneys for Defendant Victor Hermelin*

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 2-15-08

  
The Hon. Henry Edward Autrey  
United States District Judge